

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KIM WHITE,

Plaintiff,

Case No. 04-74588

v.

COMMISSIONER OF  
SOCIAL SECURITY,

Hon. John Corbett O'Meara  
Mag. Judge R. Steven Whalen

Defendant.

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**ORDER DENYING MOTION FOR RECONSIDERATION**

Before the court is Plaintiff's "letter for reconsideration," which was filed on April 24, 2006. The court will construe Plaintiff's letter as a motion for reconsideration. On December 22, 2006, Magistrate Judge Whalen issued a report and recommendation regarding Defendant's motion for summary judgment. The magistrate recommended that the court grant Defendant's motion for summary judgment and dismiss Plaintiff's complaint seeking social security benefits. Plaintiff did not file objections to the magistrate's report and recommendation. The court adopted Magistrate Judge Whalen's report and recommendation on February 6, 2006.

"A motion for rehearing or reconsideration must be filed within 10 days after entry of the judgment or order." Local Rule 7.1(g)(1) (E.D. Mich. Sept. 8, 1998). Plaintiff's motion for reconsideration is untimely because he did not submit it within the ten-day period required by LR 7.1. The court further finds that Plaintiff has not demonstrated a "palpable defect by which the court and the parties have been misled," or that "correcting the defect will result in a different disposition of the case." LR 7.1(g)(3). Plaintiff essentially contends in his motion that his physical condition has worsened. As Magistrate Judge Whalen noted, however, "[i]f Plaintiff

wishes to establish that subsequent to the ALJ's August 20, 2004 administrative determination in the present case he experienced a deterioration of his condition or the onset of another illness, the appropriate remedy is to initiate a new claim for benefits alleging an onset date consistent with the deterioration." Report and Recommendation at 14.

IT IS HEREBY ORDERED that Plaintiff's April 24, 2006 motion for reconsideration is DENIED.

s/John Corbett O'Meara  
John Corbett O'Meara  
United States District Judge

Dated: May 8, 2006